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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/754,594	01/12/2004	Tetsuo Ono	520.37552CC2

CONFIRMATION NO. 8013

020457
 ANTONELLI, TERRY, STOUT & KRAUS, LLP
 1300 NORTH SEVENTEENTH STREET
 SUITE 1800
 ARLINGTON, VA 22209-9889

FORMALITIES LETTER



OC000000013477145

Date Mailed: 08/09/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
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*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



520.37552CC2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): T. ONO, et al
Serial No.: 10/754,594
Filed: January 12, 2004
For: A SURFACE PROCESSING METHOD OF A SPECIMEN AND
SURFACE PROCESSING APPARATUS OF THE SPECIMEN

REPLY TO OFFICE LETTER

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 24, 2004

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application dated August 9, 2004, in connection with the above-identified application, applicants submit that such Notice is in error in that a copy of the Declaration filed in grandparent application Serial No. 09/393,893 was submitted with the continuation application papers as evidenced by the attached copy of the return receipt postcard showing "Declaration (3 pages)". It is noted that the submission of the Declaration is also indicated in the Utility Patent Application Transmittal. Thus, it is apparent that the submitted declaration has apparently become misplaced in the USPTO. Accordingly, attached hereto is a copy of the executed Declaration submitted on January 12, 2004 and applicants submit that no fee is due.

Please charge any shortages in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (520.37552CC2) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Melvin Kraus', written over a horizontal line.

Melvin Kraus
Registration No. 22,466
ANTONELLI, TERRY, STOUT & KRAUS, LLP

MK/cee
Attachments
(703) 312-6600



Patent Dkt. No. 520.37552CC2 Attorney Initials MK/cee
Application No. _____ Filing Date January 12, 2004
Applicant(s) T. ONO, et al
Papers Filed Herewith on January 12, 2004

Receipt is hereby acknowledged of the papers filed as indicated by the checked items in connection with the above-identified application:

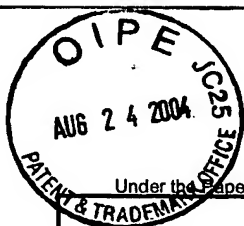
- | | |
|---|--|
| <input checked="" type="checkbox"/> New Application Transmittal Form CA | <input checked="" type="checkbox"/> Credit Card Payment Form |
| <u>33</u> Pages of Specification (<u>4</u> claims) | Fees \$ <u>770.00</u> |
| <u>12</u> Sheets of Drawings | <input type="checkbox"/> Amendment |
| <input checked="" type="checkbox"/> Declaration (<u>3</u> pages) | <input type="checkbox"/> Response to Office Action |
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Petition for Extension of Time (___ mos.) |
| <input checked="" type="checkbox"/> Claim for Priority | <input checked="" type="checkbox"/> Information Disclosure Statement |
| <input type="checkbox"/> Priority Documents | <input checked="" type="checkbox"/> PTO-1449 <input type="checkbox"/> Copies of References |
| <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> Revised Drawings (___ sheets) |
| <input type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Other _____ | |

31355 U.S. PTO
10/754594

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011204



PTO/SB/05 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	520.37552CC2
First Inventor	ONO, TETSUO
Title	A SURFACE PROCESSING METHOD OF A SPECIMEN AND A SURFACE PROCESSING APPARATUS OF THE SPECIMEN
Express Mail Label No.	

APPLICATION ELEMENTS
SEE MPEP chapter 600 concerning utility patent application contents.**ADDRESS TO:**
Mail Stop Patent Application
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1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages: **33**]
(preferred arrangement set forth below)
-Descriptive title of the invention
-Cross Reference to Related Applications
-Statement Regarding Fed sponsored R & D
-Reference to sequence listing, a table,
or a computer program listing appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description
-Claim(s)
-Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets: **12**]
5. Oath or Declaration [Total Sheets: **3**]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
Named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
a. ☐ Computer Readable Form (CRF)
b. Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ paper
c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & documents(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS Citations
Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35
or its equivalent.
17. ☒ Other: **Reaffirmation of Claim for Priority**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **10/135,516**Prior application information: Examiner: **K. Chen** Art Unit: **1765**For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number	020457	OR <input type="checkbox"/> Correspondence address below	
Name	ANTONELLI, TERRY, STOUT & KRAUS, LLP		
Address			
City	State	Zip Code	
Country	Telephone	Fax	
Name (Print/Type)	Melvin Kraus	Registration No. (Attorney/Agent)	22,466
Signature		Date	January 12, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.